

Joshua Adam Schulte, *pro se*

EX PARTE

April 11, 2022

BY HAND

Judge Jesse M. Furman
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

RE: *United States v. Joshua Adam Schulte, S3 17 Cr. 548 (JMF)*

Dear Judge Furman:

I write in accordance with your Order regarding the advice-of-counsel defense. After discussing the issue with standby counsel, we no longer believe the testimony and information I now seek to introduce is related to the advice-of-counsel.

- Malware of the Mind

The information regarding Malware of the Mind is already disclosed—I wrote the document for my attorneys, provided it to Federal Defenders paralegal Hannah Sotnick, who provided it to counsel. Someone wrote notes on the original and sent it back to me (we were unable to identify who wrote the notes). I expect to testify about these facts at trial and call Hannah Sotnick.

- Attorney-Client Privileged Notebooks

Regarding the notebooks, I seek to introduce, through my own testimony, that I believed writing “Attorney-Client Privilege” on the notebooks made them privileged, and immune from seizure. I do not know specifically who told me this information. This testimony is relevant to my state-of-mind.

- The Email (see current litigation, i.e. government opposition, Dkt. 758)

The Email was written and transmitted to my attorneys for the sole purpose of my defense. If the Court does not suppress The Email based on privilege, I intend to introduce The Email’s chain and testify about these facts at trial.

United States v. Schulte, S3 17 Cr. 548 (JMF); April 11, 2022 ex parte letter

Since these documents do not introduce attorney-client privilege, particularly the advice-of-counsel defense previously litigated, we do not believe there is any waiver of privilege or any additional discovery due to the government. We also ask the Court to withdraw the previous request to comply with Judge Crotty's January 13, 2020 Order, Dkt. 248.

Respectfully submitted,

Joshua Adam Schulte

